



Virginia
Regulatory
Town Hall

Periodic Review and Retention of Existing Regulations Agency Background Document

| | |
|----------------------------|--|
| Agency Name: | Virginia Department of Transportation (Commonwealth Transportation Board) |
| VAC Chapter Number: | 24 VAC 30-590-10 et seq. |
| Regulation Title: | Policies and Procedures for Control of Residential and Non-Residential Cut-Through Traffic |
| Action Title: | Review and Retain |
| Date: | January 23, 2001 |

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to retain an existing regulation.

Summary

Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.

This regulation establishes policies and procedures to be followed by VDOT and local governments concerning decisions made in dealing with cut-through traffic. The Office of the Attorney General has determined that this regulation is exempt from the APA under the exemption granted by § 9-6.14:4.1B11 (traffic signs, markers, or control devices.)

Basis

Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.

The statutory basis for this regulation is § 33.1-12 (3) of the *Code of Virginia*, which authorizes the Commonwealth Transportation Board to establish regulations concerning the use of any highways in the Commonwealth under its jurisdiction. Under §46.2-809.1 of the Code of Virginia, which was passed by the General Assembly in 1995, the CTB has the explicit authority to develop policies and procedures addressing the subject of residential cut-through traffic on designated secondary highways.

The Commonwealth Transportation has the ultimate authority, at its discretion, to prohibit or restrict the use of any part of a secondary highway by through traffic.

Public Comment

Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

VDOT received no public comment during the Notice of Periodic Review, so no response was prepared. No advisory group was formed to assist in the periodic review.

Effectiveness

Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. Please assess the regulation's impact on the institution of the family and family stability. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.

This regulation's goal is to protect the public's health, safety, and welfare with the least possible cost and intrusiveness to the citizens of the Commonwealth. The CTB's philosophy is that all vehicles should be permitted access to roads on which they are legally entitled to travel. Restrictions on vehicular access should be imposed only upon presentation of evidence that such restriction will promote the health, safety, and welfare of the citizens of the Commonwealth.

To satisfy this goal, the CTB and VDOT have established objective criteria to be used in making a decision concerning through truck restrictions. They include:

- Provision of reasonable alternative routing, to include an evaluation of traffic and safety impacts;
- Functional classification of the road requested for restriction as local or collector;
- Finding that the character or frequency, or both, of the truck traffic on the route proposed for restriction is incompatible with the affected area; this finding will include consideration of safety and other traffic engineering-related issues;
- The engineering characteristics and accident history of the route proposed for restriction indicate its unsuitability for through truck traffic; and
- Presence of at least twelve dwellings per 1,000 feet of roadway within 150 feet of the existing or proposed roadway centerline.

Under normal circumstances, at least three of these criteria must be satisfied for a restriction to be approved. However, the CTB may take other items into consideration in making a decision, including public input. Based on the factors outlined above, the CTB and VDOT believe that the regulation is essential to protect the health, safety or welfare of the Commonwealth's citizens, as well as others who use Virginia's secondary roads.

This regulation has no direct effect on the family or family stability, other than an obvious benefit to the safety and "quality of life" of motorists and others who live in the vicinity of the roadway, or those who otherwise use the roadway.

VDOT believes that the lack of public comment received concerning the regulation indicates broad satisfaction with the format of the regulation, the manner in which it is implemented, its clarity and ease of comprehension, and its effectiveness.

Alternatives

Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.

There is no viable alternative to achieve the purpose of this regulation in another form. The *Code of Virginia* requires that local governments hold a public hearing concerning traffic restrictions, but does not specify the type or content of any documentation submitted to the CTB. The CTB and VDOT believe that the regulation is specific enough in outlining requirements for local governments to meet, listing objective criteria that will be considered, and permitting flexibility in making decisions. Therefore, the CTB and VDOT consider this regulation to be the least burdensome alternative available for achieving the purpose of the regulation.

Recommendation

Please state that the agency is recommending that the regulation should stay in effect without change.

VDOT recommends that this regulation be retained without change.

Family Impact Statement

Please provide an analysis of the regulation's impact on the institution of the family and family stability including the extent to which it: 1) strengthens or erodes the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourages or discourages economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthens or erodes the marital commitment; and 4) increases or decreases disposable family income.

This regulation has no effect on the family or family stability, other than an obvious benefit to the safety of those families who live in the vicinity of the roadway, or those who otherwise use the roadway. It is conceivable that through truck restrictions will also improve the quality of life due to decreased noise or other pollutants, but the degree of relief would depend on a variety of factors, including distance from the roadway, the volume of truck traffic restricted, and speed limits.